

EXHIBIT 1: AFFIDAVIT OF GREGORY A. BROCKWELL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of
the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

v.

BENTON EXPRESS, INC., et al,

Defendants.

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CIVIL ACTION NO.: 2:05CV494-T

AFFIDAVIT OF GREGORY A. BROCKWELL

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Gregory A. Brockwell, who being by me, first duly sworn, did depose and say on oath as follows:

1. My name is Greg Brockwell. I am over the age of nineteen (19) years and have personal knowledge of the facts contained within this affidavit.
2. I am counsel of record for Defendant Benton Express, Inc., in this matter.
3. On February 2, 2006, I received a copy of the "complete workers' compensation file" that has been maintained by Benton Express in relation to the workers' compensation claim of Craig Stephens' widow, Stephanie Stephens.
4. I have carefully reviewed the workers' compensation file to determine whether or not it contains privileged documents.
5. By reviewing the file, I have determined that it contains numerous documents that are protected from discovery either by the attorney-client or work-product privileges. These privileged documents are listed in the privilege log that is attached hereto as "Exhibit 1-A."

6. All of the documents listed on the privilege logs are in the nature of correspondence by and between Benton Express, Benton Express' attorneys, and/or Benton Express' workers' compensation insurance carrier. [Exhibit 1-A].

7. All of the documents listed on the privilege log concern Craig Stephens' accident on April 11, 2005, and the claims arising from that accident.

8. All of the documents listed on the privilege log contain privileged attorney-client communications, were prepared in anticipation of litigation, or fall into both categories.

9. Benton Express received legal advice and counsel in anticipation of litigation within a few days of the subject accident, as is reflected in the privilege log. [Exhibit 1-A].

Further affiant sayeth not.

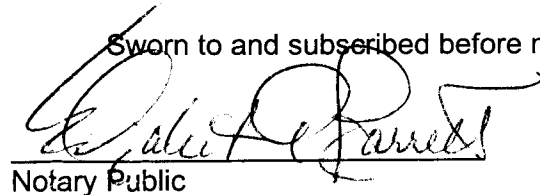


GREGORY A. BROCKWELL

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

Sworn to and subscribed before me this the 3rd day of February, 2006.


Notary Public

11-2010
My Commission Expires